

ENTERED

January 17, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JESSE LEE DRONES,
TDCJ #00472216,

Plaintiff,

VS.

OFFICERS, *et al*,

Defendants.

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CIVIL ACTION NO. H-19-124

ORDER OF DISMISSAL

Plaintiff Jesse Drones (TDCJ #00472216) is an inmate in custody of the Texas Department of Criminal Justice (“TDCJ”), presently incarcerated at the Robertson Unit. Plaintiff filed this civil action under 42 U.S.C. § 1983 against unnamed officers, generally alleging that they are falsely imprisoning him. [Doc. No. 1]. Plaintiff’s allegations do not appear to state any discernible claim against any defendant.

Plaintiff has not paid the \$400.00 filing fee and presumably seeks to proceed *in forma pauperis*. After reviewing the pleadings and relevant court records, the Court concludes that this case must be dismissed for the reasons set forth below.

I. DISCUSSION

Under the “three strikes” provision in 28 U.S.C. § 1915(g), a prisoner is not allowed to bring a civil action *in forma pauperis* in federal court if, while incarcerated, three or more of his civil actions or appeals were dismissed as frivolous, malicious, or for failure to state a claim for which relief may be granted, unless he is in “imminent danger of serious physical injury.” *Id.* Once a prisoner has accumulated three qualifying dismissals or strikes for purposes of § 1915(g), he may not proceed without prepayment of the filing fee unless he fits within the imminent-

danger exception at the time his complaint is filed. *See Banos v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998).

Plaintiff is a "three strikes" inmate who is barred from proceeding *in forma pauperis* pursuant to section 1915(g). *See, e.g., Drones v. Pipkin, et al.*, Civ. A. No. H-00-34 (S.D. Tex. Feb. 6, 2001) (dismissing case as frivolous); *Drones v. Cockrell, et al.*, Civ. A. No. H-01-2691 (S.D. Tex. Dec. 31, 2001) (dismissing case with prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim); *Drones v. State Classification Committee*, Civ. A. No. H-01-2741 (S.D. Tex. Jan 31, 2002) (dismissing case for failure to state a claim). The pleadings in this case do not show that Plaintiff is under imminent danger of serious physical injury or that he fits within the exception found in 28 U.S.C. § 1915(g). Because Plaintiff is not eligible to proceed *in forma pauperis*, the Court will dismiss the complaint without prejudice as barred by § 1915(g).

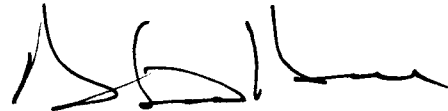
II. ORDER

Based on the foregoing, the Court **ORDERS** as follows:

1. This case is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g).
2. Any and all pending motions are **DENIED** as **MOOT**.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, this 17th day of January, 2019.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE